

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

COLONY INSURANCE COMPANY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:19-cv-88-DCB-MTP

**BRANDON KEON WRIGHT, on behalf of the wrongful
death beneficiaries of Marion Earl Wright, and**
V & B INTERNATIONAL, INC.

DEFENDANTS

consolidated with

**BRANDON KEON WRIGHT, on behalf of the wrongful
death beneficiaries of Marion E. Wright**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:20-cv-43-DCB-MTP

COLONY INSURANCE COMPANY

DEFENDANT

ORDER CONSOLIDATING CASES

THIS MATTER is before the Court on Plaintiff Colony Insurance Company's Motion to Consolidate Cases [15]. Defendants did not respond to the motion. Having carefully considered the submission, the record, and the applicable law, the Court finds that the Motion [15] should be granted.

Both cases stem from the death of Marion Earl Wright on January 31, 2018. Marion was driving a vehicle, which was allegedly struck by a gate owned by V & B International. The parties dispute whether an insurance policy issued by Colony Insurance Company to V & B International covers the incident that resulted in Marion's death.

Colony Insurance Company filed Civil Action 5:19-cv-88 on September 19, 2019 seeking a declaratory judgment. On February 19, 2020, Colony Insurance Company removed Civil Action 5:20-cv-43 to this Court from the Circuit Court of Claiborne County. The removed

action was filed by Brandon Keon Wright, on behalf of the beneficiaries of Marion Earl Wright, and also sought a declaratory judgment.

Pursuant to Federal Rule of Civil Procedure 42(a), the Court may consolidate actions involving common questions of law or fact, especially when doing so will avoid unnecessary costs or delay or will eliminate unnecessary repetition or confusion. *Miller v. United States Postal Serv.*, 729 F.2d 1033, 1036 (5th Cir. 1984); *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761-62 (5th Cir. 1989). “A trial court has broad discretion in determining whether to consolidate a case pending before it.” *Mills*, 886 F.2d at 762 (citation and quotations omitted).

These cases involve the same parties. They also involve common questions of law and fact, and the Court finds that consolidation will serve to reduce expenses, delay, and repetition.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Motion to Consolidate [15] is GRANTED.
2. These cases are hereby consolidated for all purposes, including trial. Pursuant to Local Rule 42, all future pleadings and filings shall be filed in Civil Action No. 5:19-cv-88-DCB-MTP.

SO ORDERED, this the 13th day of April, 2020.

s/Michael T. Parker
United States Magistrate Judge